

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NOS. 294, 123, 125, 113, 271 & 215

96TH GENERAL ASSEMBLY

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Reported from the Committee on General Laws, April 27, 2011, with recommendation that the Senate Committee Substitute do pass.

1118S.04C

TERRY L. SPIELER, Secretary.

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## AN ACT

To repeal sections 50.535, 302.181, 407.500, 407.505, 571.020, 571.030, 571.101, 571.107, and 571.117, RSMo, and to enact in lieu thereof thirteen new sections relating to firearms, with penalty provisions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 50.535, 302.181, 407.500, 407.505, 571.020, 571.030,  
2 571.101, 571.107, and 571.117, RSMo, are repealed and thirteen new sections  
3 enacted in lieu thereof, to be known as sections 50.535, 144.064, 302.181, 571.020,  
4 571.030, 571.063, 571.085, 571.087, 571.101, 571.107, 571.117, 1, and 2, to read  
5 as follows:

50.535. 1. Notwithstanding the provisions of sections 50.525 to 50.745,  
2 the fee collected pursuant to subsections 10 and 11 of section 571.101 shall be  
3 deposited by the county treasurer into a separate interest-bearing fund to be  
4 known as the "County Sheriff's Revolving Fund" to be expended at the direction  
5 of the county or city sheriff or his or her designee as provided in this section.

6 2. No prior approval of the expenditures from this fund shall be required  
7 by the governing body of the county or city not within a county, nor shall any  
8 prior audit or encumbrance of the fund be required before any expenditure is  
9 made by the sheriff from this fund. This fund shall only be used by law  
10 enforcement agencies for the purchase of equipment, to provide training, and to  
11 make necessary expenditures to process applications for concealed carry  
12 endorsements or renewals, including but not limited to the purchase of

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

13 equipment, **information and data exchange**, training, fingerprinting and  
14 background checks, employment of additional personnel, and any expenditure  
15 necessitated by an action under section 571.114 or 571.117. If the moneys  
16 collected and deposited into this fund are not totally expended annually, then the  
17 unexpended balance shall remain in said fund and the balance shall be kept in  
18 said fund to accumulate from year to year. This fund may be audited by the state  
19 auditor's office or the appropriate auditing agency.

20 3. Notwithstanding any provision of this section to the contrary, the  
21 sheriff of every county, regardless of classification, is authorized to pay, from the  
22 sheriff's revolving fund, all reasonable and necessary costs and expenses for  
23 activities or services occasioned by compliance with sections 571.101 to  
24 571.121. Such was the intent of the general assembly in original enactment of  
25 this section and sections 571.101 to 571.121, and it is made express by this  
26 section in light of the decision in *Brooks v. State of Missouri*, (Mo. Sup. Ct.  
27 February 26, 2004). The application and renewal fees to be charged pursuant to  
28 section 571.101 shall be based on the sheriff's good faith estimate, made during  
29 regular budgeting cycles, of the actual costs and expenses to be incurred by  
30 reason of compliance with sections 571.101 to 571.121. If the maximum fee  
31 permitted by section 571.101 is inadequate to cover the actual reasonable and  
32 necessary expenses in a given year, and there are not sufficient accumulated  
33 unexpended funds in the revolving fund, a sheriff may present specific and  
34 verified evidence of the unreimbursed expenses to the office of administration,  
35 which upon certification by the attorney general shall reimburse such sheriff for  
36 those expenses from an appropriation made for that purpose.

37 4. If pursuant to subsection 12 of section 571.101, the sheriff of a county  
38 of the first classification designates one or more chiefs of police of any town, city,  
39 or municipality within such county to accept and process applications for  
40 certificates of qualification to obtain a concealed carry endorsement, then that  
41 sheriff shall reimburse such chiefs of police, out of the moneys deposited into this  
42 fund, for any reasonable expenses related to accepting and processing such  
43 applications.

**144.064. No sales tax levied under this chapter on any firearms  
2 or ammunition shall be levied at a rate that is higher than the sales tax  
3 levied under this chapter or any other excise tax levied on any sporting  
4 goods or equipment or any hunting equipment.**

302.181. 1. The license issued pursuant to the provisions of sections  
2 302.010 to 302.340 shall be in such form as the director shall prescribe, but the  
3 license shall be a card made of plastic or other comparable material. All licenses  
4 shall be manufactured of materials and processes that will prohibit, as nearly as  
5 possible, the ability to reproduce, alter, counterfeit, forge, or duplicate any license  
6 without ready detection. All licenses shall bear the licensee's Social Security  
7 number, if the licensee has one, and if not, a notarized affidavit must be signed  
8 by the licensee stating that the licensee does not possess a Social Security  
9 number, or, if applicable, a certified statement must be submitted as provided in  
10 subsection 4 of this section. The license shall also bear the expiration date of the  
11 license, the classification of the license, the name, date of birth, residence address  
12 including the county of residence or a code number corresponding to such county  
13 established by the department, and brief description and colored photograph or  
14 digitized image of the licensee, and a facsimile of the signature of the  
15 licensee. The director shall provide by administrative rule the procedure and  
16 format for a licensee to indicate on the back of the license together with the  
17 designation for an anatomical gift as provided in section 194.240 the name and  
18 address of the person designated pursuant to sections 404.800 to 404.865 as the  
19 licensee's attorney in fact for the purposes of a durable power of attorney for  
20 health care decisions. No license shall be valid until it has been so signed by the  
21 licensee. If any portion of the license is prepared by a private firm, any contract  
22 with such firm shall be made in accordance with the competitive purchasing  
23 procedures as established by the state director of the division of purchasing. For  
24 all licenses issued or renewed after March 1, 1992, the applicant's Social Security  
25 number shall serve as the applicant's license number. Where the licensee has no  
26 Social Security number, or where the licensee is issued a license without a Social  
27 Security number in accordance with subsection 4 of this section, the director shall  
28 issue a license number for the licensee and such number shall also include an  
29 indicator showing that the number is not a Social Security number.

30 2. All film involved in the production of photographs for licenses shall  
31 become the property of the department of revenue.

32 3. The license issued shall be carried at all times by the holder thereof  
33 while driving a motor vehicle, and shall be displayed upon demand of any officer  
34 of the highway patrol, or any police officer or peace officer, or any other duly  
35 authorized person, for inspection when demand is made therefor. Failure of any

36 operator of a motor vehicle to exhibit his or her license to any duly authorized  
37 officer shall be presumptive evidence that such person is not a duly licensed  
38 operator.

39 4. The director of revenue shall issue a commercial or noncommercial  
40 driver's license without a Social Security number to an applicant therefor, who  
41 is otherwise qualified to be licensed, upon presentation to the director of a  
42 certified statement that the applicant objects to the display of the Social Security  
43 number on the license. The director shall assign an identification number, that  
44 is not based on a Social Security number, to the applicant which shall be  
45 displayed on the license in lieu of the Social Security number.

46 5. The director of revenue shall not issue a license without a facial  
47 photograph or digital image of the license applicant, except as provided pursuant  
48 to subsection 8 of this section. A photograph or digital image of the applicant's  
49 full facial features shall be taken in a manner prescribed by the director. No  
50 photograph or digital image will be taken wearing anything which cloaks the  
51 facial features of the individual.

52 6. The department of revenue may issue a temporary license or a full  
53 license without the photograph or with the last photograph or digital image in the  
54 department's records to members of the armed forces, except that where such  
55 temporary license is issued it shall be valid only until the applicant shall have  
56 had time to appear and have his or her picture taken and a license with his or  
57 her photograph issued.

58 7. The department of revenue shall issue upon request a nondriver's  
59 license card containing essentially the same information and photograph or  
60 digital image, except as provided pursuant to subsection 8 of this section, as the  
61 driver's license upon payment of six dollars. All nondriver's licenses shall expire  
62 on the applicant's birthday in the sixth year after issuance. A person who has  
63 passed his or her seventieth birthday shall upon application be issued a  
64 nonexpiring nondriver's license card. **Beginning January 1, 2013,**  
65 **notwithstanding any other provision of this chapter, a nondriver's**  
66 **license containing a concealed carry endorsement shall expire three**  
67 **years from the date the certificate of qualification was issued pursuant**  
68 **to section 571.101. The fee for nondriver's licenses issued for a period**  
69 **exceeding three years is six dollars or three dollars for nondriver's**  
70 **licenses issued for a period of three years or less.** The nondriver's license

71 card shall be used for identification purposes only and shall not be valid as a  
72 license.

73 8. If otherwise eligible, an applicant may receive a driver's license or  
74 nondriver's license without a photograph or digital image of the applicant's full  
75 facial features except that such applicant's photograph or digital image shall be  
76 taken and maintained by the director and not printed on such license. In order  
77 to qualify for a license without a photograph or digital image pursuant to this  
78 section the applicant must:

79 (1) Present a form provided by the department of revenue requesting the  
80 applicant's photograph be omitted from the license or nondriver's license due to  
81 religious affiliations. The form shall be signed by the applicant and another  
82 member of the religious tenant verifying the photograph or digital image  
83 exemption on the license or nondriver's license is required as part of their  
84 religious affiliation. The required signatures on the prescribed form shall be  
85 properly notarized;

86 (2) Provide satisfactory proof to the director that the applicant has been  
87 a U.S. citizen for at least five years and a resident of this state for at least one  
88 year, except that an applicant moving to this state possessing a valid driver's  
89 license from another state without a photograph, shall be exempt from the  
90 one-year state residency requirement. The director may establish rules necessary  
91 to determine satisfactory proof of citizenship and residency pursuant to this  
92 section;

93 (3) Applications for a driver's license or nondriver's license without a  
94 photograph or digital image must be made in person at a license office  
95 determined by the director. The director is authorized to limit the number of  
96 offices that may issue a driver's or nondriver's license without a photograph or  
97 digital image pursuant to this section.

98 9. The department of revenue shall make available, at one or more  
99 locations within the state, an opportunity for individuals to have their full facial  
100 photograph taken by an employee of the department of revenue, or their designee,  
101 who is of the same sex as the individual being photographed, in a segregated  
102 location.

103 10. Beginning July 1, 2005, the director shall not issue a driver's license  
104 or a nondriver's license for a period that exceeds an applicant's lawful presence  
105 in the United States. The director may, by rule or regulation, establish

106 procedures to verify the lawful presence of the applicant and establish the  
107 duration of any driver's license or nondriver's license issued under this section.

108 11. No rule or portion of a rule promulgated pursuant to the authority of  
109 this chapter shall become effective unless it is promulgated pursuant to the  
110 provisions of chapter 536.

571.020. 1. A person commits a crime if such person knowingly possesses,  
2 manufactures, transports, repairs, or sells:

3 (1) An explosive weapon;

4 (2) An explosive, incendiary or poison substance or material with the  
5 purpose to possess, manufacture or sell an explosive weapon;

6 (3) [A machine gun;

7 (4)] A gas gun;

8 [(5) A short barreled rifle or shotgun;

9 (6) A firearm silencer;

10 (7)] (4) A switchblade knife;

11 [(8)] (5) A bullet or projectile which explodes or detonates upon impact  
12 because of an independent explosive charge after having been shot from a  
13 firearm; or

14 [(9)] (6) Knuckles; or

15 (7) Any of the following in violation of federal law:

16 (a) A machine gun;

17 (b) A short barreled rifle or shotgun; or

18 (c) A firearm silencer.

19 2. A person does not commit a crime pursuant to this section if his  
20 conduct involved any of the items in subdivisions (1) to (6) of subsection  
21 1, the item was possessed in conformity with any applicable federal  
22 law, and the conduct:

23 (1) Was incident to the performance of official duty by the armed forces,  
24 national guard, a governmental law enforcement agency, or a penal institution;  
25 or

26 (2) Was incident to engaging in a lawful commercial or business  
27 transaction with an organization enumerated in subdivision (1) of this section; or

28 (3) Was incident to using an explosive weapon in a manner reasonably  
29 related to a lawful industrial or commercial enterprise; or

30 (4) Was incident to displaying the weapon in a public museum or

31 exhibition; or

32 (5) Was incident to [dealing with] **using** the weapon [solely as a curio,  
33 ornament, or keepsake, or to using it] in a manner reasonably related to a lawful  
34 dramatic performance[; but if the weapon is a type described in subdivision (1)  
35 or (4) of subsection 1 of this section it must be in such a nonfunctioning condition  
36 that it cannot readily be made operable. No short barreled rifle, short barreled  
37 shotgun, machine gun, or firearm silencer may be possessed, manufactured,  
38 transported, repaired or sold as a curio, ornament, or keepsake, unless such  
39 person is an importer, manufacturer, dealer, or collector licensed by the Secretary  
40 of the Treasury pursuant to the Gun Control Act of 1968, U.S.C., Title 18, or  
41 unless such firearm is an antique firearm as defined in subsection 3 of section  
42 571.080, or unless such firearm has been designated a collectors item by the  
43 Secretary of the Treasury pursuant to the U.S.C., Title 26, Section 5845(a)].

44 3. A crime pursuant to subdivision (1), (2), (3)[, (4), (5) or (6)] **or (7)** of  
45 subsection 1 of this section is a class C felony; a crime pursuant to subdivision  
46 [(7), (8) or (9)] **(4), (5) or (6)** of subsection 1 of this section is a class A  
47 misdemeanor.

571.030. 1. A person commits the crime of unlawful use of weapons if he  
2 or she knowingly:

3 (1) Carries concealed upon or about his or her person a knife, a firearm,  
4 a blackjack or any other weapon readily capable of lethal use; or

5 (2) Sets a spring gun; or

6 (3) Discharges or shoots a firearm into a dwelling house, a railroad train,  
7 boat, aircraft, or motor vehicle as defined in section 302.010, or any building or  
8 structure used for the assembling of people; or

9 (4) Exhibits, in the presence of one or more persons, any weapon readily  
10 capable of lethal use in an angry or threatening manner; or

11 (5) Has a firearm or projectile weapon readily capable of lethal use on his  
12 or her person, while he or she is intoxicated, and handles or otherwise uses such  
13 firearm or projectile weapon in either a negligent or unlawful manner or  
14 discharges such firearm or projectile weapon unless acting in self-defense;

15 (6) Discharges a firearm within one hundred yards of any occupied  
16 schoolhouse, courthouse, or church building; or

17 (7) Discharges or shoots a firearm at a mark, at any object, or at random,  
18 on, along or across a public highway or discharges or shoots a firearm into any

19 outbuilding; or

20 (8) Carries a firearm or any other weapon readily capable of lethal use  
21 into any church or place where people have assembled for worship, or into any  
22 election precinct on any election day, or into any building owned or occupied by  
23 any agency of the federal government, state government, or political subdivision  
24 thereof; or

25 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined  
26 in section 301.010, discharges or shoots a firearm at any person, or at any other  
27 motor vehicle, or at any building or habitable structure, unless the person was  
28 lawfully acting in self-defense; or

29 (10) Carries a firearm, whether loaded or unloaded, or any other weapon  
30 readily capable of lethal use into any school, onto any school bus, or onto the  
31 premises of any function or activity sponsored or sanctioned by school officials or  
32 the district school board;

33 **(11) Possesses a firearm while also in possession of controlled**  
34 **substances that are sufficient for a felony violation under section**  
35 **195.202, unless such possession is reasonably associated with or is**  
36 **necessary to the fulfillment of such person's official duties.**

37 2. Subdivisions (1), (3), (4), (6), (7), (8), (9) and (10) of subsection 1 of this  
38 section shall not apply to or affect any of the following [when such uses are  
39 reasonably associated with or are necessary to the fulfillment of such person's  
40 official duties]:

41 (1) All state, county and municipal peace officers who have completed the  
42 training required by the police officer standards and training commission  
43 pursuant to sections 590.030 to 590.050 and who possess the duty and power of  
44 arrest for violation of the general criminal laws of the state or for violation of  
45 ordinances of counties or municipalities of the state, whether such officers are on  
46 or off duty, and whether such officers are within or outside of the law  
47 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined  
48 in subsection [10] 11 of this section, and who carry the identification defined in  
49 subsection [11] 12 of this section, or any person summoned by such officers to  
50 assist in making arrests or preserving the peace while actually engaged in  
51 assisting such officer;

52 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails  
53 and other institutions for the detention of persons accused or convicted of crime;

54 (3) Members of the armed forces or national guard while performing their  
55 official duty;

56 (4) Those persons vested by article V, section 1 of the Constitution of  
57 Missouri with the judicial power of the state and those persons vested by Article  
58 III of the Constitution of the United States with the judicial power of the United  
59 States, the members of the federal judiciary;

60 (5) Any person whose bona fide duty is to execute process, civil or  
61 criminal;

62 (6) Any federal probation officer or federal flight deck officer as defined  
63 under the federal flight deck officer program, 49 U.S.C. Section 44921 **whether**  
64 **such officers are on or off duty, and whether such officers are within**  
65 **or outside of the law enforcement agency's jurisdiction;**

66 (7) Any state probation or parole officer, including supervisors and  
67 members of the board of probation and parole;

68 (8) Any corporate security advisor meeting the definition and fulfilling the  
69 requirements of the regulations established by the board of police commissioners  
70 under section 84.340;

71 (9) Any coroner, deputy coroner, medical examiner, or assistant medical  
72 examiner; [and]

73 (10) Any prosecuting attorney or assistant prosecuting attorney or any  
74 circuit attorney or assistant circuit attorney who has completed the firearms  
75 safety training course required under subsection 2 of section 571.111[.]; **and**

76 **(11) Any member of a fire department or fire protection district,**  
77 **who is employed on a full-time basis as a fire investigator and who has**  
78 **a valid concealed carry endorsement under section 571.111 when such**  
79 **uses are reasonably associated with or are necessary to the fulfillment**  
80 **of such person's official duties.**

81 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not  
82 apply when the actor is transporting such weapons in a nonfunctioning state or  
83 in an unloaded state when ammunition is not readily accessible or when such  
84 weapons are not readily accessible. Subdivision (1) of subsection 1 of this section  
85 does not apply to any person twenty-one years of age or older transporting a  
86 concealable firearm in the passenger compartment of a motor vehicle, so long as  
87 such concealable firearm is otherwise lawfully possessed, nor when the actor is  
88 also in possession of an exposed firearm or projectile weapon for the lawful

89 pursuit of game, or is in his or her dwelling unit or upon premises over which the  
90 actor has possession, authority or control, or is traveling in a continuous journey  
91 peaceably through this state. Subdivision (10) of subsection 1 of this section does  
92 not apply if the firearm is otherwise lawfully possessed by a person while  
93 traversing school premises for the purposes of transporting a student to or from  
94 school, or possessed by an adult for the purposes of facilitation of a  
95 school-sanctioned firearm-related event.

96 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not  
97 apply to any person who has a valid concealed carry endorsement issued pursuant  
98 to sections 571.101 to 571.121 or a valid permit or endorsement to carry concealed  
99 firearms issued by another state or political subdivision of another state.

100 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this  
101 section shall not apply to persons who are engaged in a lawful act of defense  
102 pursuant to section 563.031.

103 6. Nothing in this section shall make it unlawful for a student to actually  
104 participate in school-sanctioned gun safety courses, student military or ROTC  
105 courses, or other school-sponsored firearm-related events, provided the student  
106 does not carry a firearm or other weapon readily capable of lethal use into any  
107 school, onto any school bus, or onto the premises of any other function or activity  
108 sponsored or sanctioned by school officials or the district school board.

109 7. Unlawful use of weapons is a class D felony unless committed pursuant  
110 to subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a  
111 class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in  
112 which case it is a class A misdemeanor if the firearm is unloaded and a class D  
113 felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section,  
114 in which case it is a class B felony, except that if the violation of subdivision (9)  
115 of subsection 1 of this section results in injury or death to another person, it is  
116 a class A felony.

117 8. Violations of subdivision (9) of subsection 1 of this section shall be  
118 punished as follows:

119 (1) For the first violation a person shall be sentenced to the maximum  
120 authorized term of imprisonment for a class B felony;

121 (2) For any violation by a prior offender as defined in section 558.016, a  
122 person shall be sentenced to the maximum authorized term of imprisonment for  
123 a class B felony without the possibility of parole, probation or conditional release

124 for a term of ten years;

125 (3) For any violation by a persistent offender as defined in section  
126 558.016, a person shall be sentenced to the maximum authorized term of  
127 imprisonment for a class B felony without the possibility of parole, probation, or  
128 conditional release;

129 (4) For any violation which results in injury or death to another person,  
130 a person shall be sentenced to an authorized disposition for a class A felony.

131 9. Any person knowingly aiding or abetting any other person in the  
132 violation of subdivision (9) of subsection 1 of this section shall be subject to the  
133 same penalty as that prescribed by this section for violations by other persons.

134 10. **Notwithstanding any other provision of law, no person who**  
135 **pleads guilty to or is found guilty of a felony violation of subsection 1**  
136 **of this section shall receive a suspended imposition of sentence if such**  
137 **person has previously received a suspended imposition of sentence for**  
138 **any other firearms or weapons related felony offense.**

139 11. As used in this section "qualified retired peace officer" means an  
140 individual who:

141 (1) Retired in good standing from service with a public agency as a peace  
142 officer, other than for reasons of mental instability;

143 (2) Before such retirement, was authorized by law to engage in or  
144 supervise the prevention, detection, investigation, or prosecution of, or the  
145 incarceration of any person for, any violation of law, and had statutory powers of  
146 arrest;

147 (3) Before such retirement, was regularly employed as a peace officer for  
148 an aggregate of fifteen years or more, or retired from service with such agency,  
149 after completing any applicable probationary period of such service, due to a  
150 service-connected disability, as determined by such agency;

151 (4) Has a nonforfeitable right to benefits under the retirement plan of the  
152 agency if such a plan is available;

153 (5) During the most recent twelve-month period, has met, at the expense  
154 of the individual, the standards for training and qualification for active peace  
155 officers to carry firearms;

156 (6) Is not under the influence of alcohol or another intoxicating or  
157 hallucinatory drug or substance; and

158 (7) Is not prohibited by federal law from receiving a firearm.

159 [11.] 12. The identification required by subdivision (1) of subsection 2 of  
160 this section is:

161 (1) A photographic identification issued by the agency from which the  
162 individual retired from service as a peace officer that indicates that the individual  
163 has, not less recently than one year before the date the individual is carrying the  
164 concealed firearm, been tested or otherwise found by the agency to meet the  
165 standards established by the agency for training and qualification for active peace  
166 officers to carry a firearm of the same type as the concealed firearm; or

167 (2) A photographic identification issued by the agency from which the  
168 individual retired from service as a peace officer; and

169 (3) A certification issued by the state in which the individual resides that  
170 indicates that the individual has, not less recently than one year before the date  
171 the individual is carrying the concealed firearm, been tested or otherwise found  
172 by the state to meet the standards established by the state for training and  
173 qualification for active peace officers to carry a firearm of the same type as the  
174 concealed firearm.

571.063. 1. As used in this section the following terms shall  
2 mean:

3 (1) "Ammunition", any cartridge, shell, or projectile designed for  
4 use in a firearm;

5 (2) "Licensed dealer", a person who is licensed under 18 U.S.C.  
6 Section 923 to engage in the business of dealing in firearms;

7 (3) "Materially false information", any information that portrays  
8 an illegal transaction as legal or a legal transaction as illegal;

9 (4) "Private seller", a person who sells or offers for sale any  
10 firearm, as defined in section 571.010, or ammunition.

11 2. A person commits the crime of fraudulent purchase of a  
12 firearm if such person:

13 (1) Knowingly solicits, persuades, encourages or entices a  
14 licensed dealer or private seller of firearms or ammunition to transfer  
15 a firearm or ammunition under circumstances which the person knows  
16 would violate the laws of this state or the United States; or

17 (2) Provides to a licensed dealer or private seller of firearms or  
18 ammunition what the person knows to be materially false information  
19 with intent to deceive the dealer or seller about the legality of a

20 **transfer of a firearm or ammunition; or**

21 **(3) Willfully procures another to violate the provisions of**  
22 **subdivision (1) or (2) of this subsection.**

23 **3. Fraudulent purchase of a firearm is a class D felony.**

**571.085. Residents of the state of Missouri may purchase firearms**  
2 **in any state, provided that such residents conform to the applicable**  
3 **provisions of the Federal Gun Control Act of 1968, and regulations**  
4 **thereunder, as administered by the United States Secretary of the**  
5 **Treasury, and provided further that such residents conform to the**  
6 **provisions of law applicable to such purchase in the state of Missouri**  
7 **and in the state in which the purchase is made.**

**571.087. Residents of any state may purchase firearms in the**  
2 **state of Missouri, provided that such residents conform to the**  
3 **applicable provisions of the Federal Gun Control Act of 1968, and**  
4 **regulations thereunder, as administered by the United States Secretary**  
5 **of the Treasury, and provided further that such residents conform to**  
6 **the provisions of law applicable to such purchase in the state of**  
7 **Missouri and in the state in which such persons reside.**

**571.101. 1. All applicants for concealed carry endorsements issued**  
2 **pursuant to subsection 7 of this section must satisfy the requirements of sections**  
3 **571.101 to 571.121. If the said applicant can show qualification as provided by**  
4 **sections 571.101 to 571.121, the county or city sheriff shall issue a certificate of**  
5 **qualification for a concealed carry endorsement. Upon receipt of such certificate,**  
6 **the certificate holder shall apply for a driver's license or nondriver's license with**  
7 **the director of revenue in order to obtain a concealed carry endorsement. Any**  
8 **person who has been issued a concealed carry endorsement on a driver's license**  
9 **or nondriver's license and such endorsement or license has not been suspended,**  
10 **revoked, canceled, or denied may carry concealed firearms on or about his or her**  
11 **person or within a vehicle. A concealed carry endorsement shall be valid for a**  
12 **period of three years from the date of issuance or renewal. The concealed carry**  
13 **endorsement is valid throughout this state.**

14 **2. A certificate of qualification for a concealed carry endorsement issued**  
15 **pursuant to subsection 7 of this section shall be issued by the sheriff or his or her**  
16 **designee of the county or city in which the applicant resides, if the applicant:**

17 **(1) Is at least [twenty-three] **eighteen** years of age, is a citizen of the**

18 United States and either:

19 (a) Has assumed residency in this state; or

20 (b) Is a member of the armed forces stationed in Missouri, or the spouse  
21 of such member of the military;

22 (2) Has not pled guilty to or entered a plea of nolo contendere or been  
23 convicted of a crime punishable by imprisonment for a term exceeding one year  
24 under the laws of any state or of the United States other than a crime classified  
25 as a misdemeanor under the laws of any state and punishable by a term of  
26 imprisonment of one year or less that does not involve an explosive weapon,  
27 firearm, firearm silencer or gas gun;

28 (3) Has not been convicted of, pled guilty to or entered a plea of nolo  
29 contendere to one or more misdemeanor offenses involving crimes of violence  
30 within a five-year period immediately preceding application for a certificate of  
31 qualification for a concealed carry endorsement or if the applicant has not been  
32 convicted of two or more misdemeanor offenses involving driving while under the  
33 influence of intoxicating liquor or drugs or the possession or abuse of a controlled  
34 substance within a five-year period immediately preceding application for a  
35 certificate of qualification for a concealed carry endorsement;

36 (4) Is not a fugitive from justice or currently charged in an information  
37 or indictment with the commission of a crime punishable by imprisonment for a  
38 term exceeding one year under the laws of any state of the United States other  
39 than a crime classified as a misdemeanor under the laws of any state and  
40 punishable by a term of imprisonment of two years or less that does not involve  
41 an explosive weapon, firearm, firearm silencer, or gas gun;

42 (5) Has not been discharged under dishonorable conditions from the  
43 United States armed forces;

44 (6) Has not engaged in a pattern of behavior, documented in public  
45 records, that causes the sheriff to have a reasonable belief that the applicant  
46 presents a danger to himself or others;

47 (7) Is not adjudged mentally incompetent at the time of application or for  
48 five years prior to application, or has not been committed to a mental health  
49 facility, as defined in section 632.005, or a similar institution located in another  
50 state following a hearing at which the defendant was represented by counsel or  
51 a representative;

52 (8) Submits a completed application for a certificate of qualification as

53 [defined] **described** in subsection 3 of this section;

54 (9) Submits an affidavit attesting that the applicant complies with the  
55 concealed carry safety training requirement pursuant to subsections 1 and 2 of  
56 section 571.111;

57 (10) Is not the respondent of a valid full order of protection which is still  
58 in effect.

59 3. The application for a certificate of qualification for a concealed carry  
60 endorsement issued by the sheriff of the county of the applicant's residence shall  
61 contain only the following information:

62 (1) The applicant's name, address, telephone number, gender, and date  
63 and place of birth;

64 (2) An affirmation that the applicant has assumed residency in Missouri  
65 or is a member of the armed forces stationed in Missouri or the spouse of such a  
66 member of the armed forces and is a citizen of the United States;

67 (3) An affirmation that the applicant is at least [twenty-three] **eighteen**  
68 years of age;

69 (4) An affirmation that the applicant has not pled guilty to or been  
70 convicted of a crime punishable by imprisonment for a term exceeding one year  
71 under the laws of any state or of the United States other than a crime classified  
72 as a misdemeanor under the laws of any state and punishable by a term of  
73 imprisonment of one year or less that does not involve an explosive weapon,  
74 firearm, firearm silencer, or gas gun;

75 (5) An affirmation that the applicant has not been convicted of, pled guilty  
76 to, or entered a plea of nolo contendere to one or more misdemeanor offenses  
77 involving crimes of violence within a five-year period immediately preceding  
78 application for a certificate of qualification to obtain a concealed carry  
79 endorsement or if the applicant has not been convicted of two or more  
80 misdemeanor offenses involving driving while under the influence of intoxicating  
81 liquor or drugs or the possession or abuse of a controlled substance within a  
82 five-year period immediately preceding application for a certificate of qualification  
83 to obtain a concealed carry endorsement;

84 (6) An affirmation that the applicant is not a fugitive from justice or  
85 currently charged in an information or indictment with the commission of a crime  
86 punishable by imprisonment for a term exceeding one year under the laws of any  
87 state or of the United States other than a crime classified as a misdemeanor

88 under the laws of any state and punishable by a term of imprisonment of two  
89 years or less that does not involve an explosive weapon, firearm, firearm silencer  
90 or gas gun;

91 (7) An affirmation that the applicant has not been discharged under  
92 dishonorable conditions from the United States armed forces;

93 (8) An affirmation that the applicant is not adjudged mentally  
94 incompetent at the time of application or for five years prior to application, or has  
95 not been committed to a mental health facility, as defined in section 632.005, or  
96 a similar institution located in another state, except that a person whose release  
97 or discharge from a facility in this state pursuant to chapter 632, or a similar  
98 discharge from a facility in another state, occurred more than five years ago  
99 without subsequent recommitment may apply;

100 (9) An affirmation that the applicant has received firearms safety training  
101 that meets the standards of applicant firearms safety training defined in  
102 subsection 1 or 2 of section 571.111;

103 (10) An affirmation that the applicant, to the applicant's best knowledge  
104 and belief, is not the respondent of a valid full order of protection which is still  
105 in effect; and

106 (11) A conspicuous warning that false statements made by the applicant  
107 will result in prosecution for perjury pursuant to the laws of the state of  
108 Missouri.

109 4. An application for a certificate of qualification for a concealed carry  
110 endorsement shall be made to the sheriff of the county or any city not within a  
111 county in which the applicant resides. An application shall be filed in writing,  
112 signed under oath and under the penalties of perjury, and shall state whether the  
113 applicant complies with each of the requirements specified in subsection 2 of this  
114 section. In addition to the completed application, the applicant for a certificate  
115 of qualification for a concealed carry endorsement must also submit the following:

116 (1) A photocopy of a firearms safety training certificate of completion or  
117 other evidence of completion of a firearms safety training course that meets the  
118 standards established in subsection 1 or 2 of section 571.111; and

119 (2) A nonrefundable certificate of qualification fee as provided by  
120 subsection 10 or 11 of this section.

121 5. Before an application for a certificate of qualification for a concealed  
122 carry endorsement is approved, the sheriff shall make only such inquiries as he

123 or she deems necessary into the accuracy of the statements made in the  
124 application. The sheriff may require that the applicant display a Missouri  
125 driver's license or nondriver's license or military identification and orders  
126 showing the person being stationed in Missouri. In order to determine the  
127 applicant's suitability for a certificate of qualification for a concealed carry  
128 endorsement, the applicant shall be fingerprinted. The sheriff shall request a  
129 criminal background check through the appropriate law enforcement agency  
130 within three working days after submission of the properly completed application  
131 for a certificate of qualification for a concealed carry endorsement. If no  
132 disqualifying record is identified by the fingerprint check at the state level, the  
133 fingerprints shall be forwarded to the Federal Bureau of Investigation for a  
134 national criminal history record check. Upon receipt of the completed background  
135 check, the sheriff shall issue a certificate of qualification for a concealed carry  
136 endorsement within three working days. The sheriff shall issue the certificate  
137 within forty-five calendar days if the criminal background check has not been  
138 received, provided that the sheriff shall revoke any such certificate and  
139 endorsement within twenty-four hours of receipt of any background check that  
140 results in a disqualifying record, and shall notify the department of revenue.

141         6. The sheriff may refuse to approve an application for a certificate of  
142 qualification for a concealed carry endorsement if he or she determines that any  
143 of the requirements specified in subsection 2 of this section have not been met,  
144 or if he or she has a substantial and demonstrable reason to believe that the  
145 applicant has rendered a false statement regarding any of the provisions of  
146 sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff  
147 is required to deny the application, and notify the applicant in writing, stating  
148 the grounds for denial and informing the applicant of the right to submit, within  
149 thirty days, any additional documentation relating to the grounds of the  
150 denial. Upon receiving any additional documentation, the sheriff shall reconsider  
151 his or her decision and inform the applicant within thirty days of the result of the  
152 reconsideration. The applicant shall further be informed in writing of the right  
153 to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.  
154 After two additional reviews and denials by the sheriff, the person submitting the  
155 application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of  
156 section 571.114.

157         7. If the application is approved, the sheriff shall issue a certificate of

158 qualification for a concealed carry endorsement to the applicant within a period  
159 not to exceed three working days after his or her approval of the application. The  
160 applicant shall sign the certificate of qualification in the presence of the sheriff  
161 or his or her designee and shall within seven days of receipt of the certificate of  
162 qualification take the certificate of qualification to the department of  
163 revenue. Upon verification of the certificate of qualification and completion of a  
164 driver's license or nondriver's license application pursuant to chapter 302, the  
165 director of revenue shall issue a new driver's license or nondriver's license with  
166 an endorsement which identifies that the applicant has received a certificate of  
167 qualification to carry concealed weapons issued pursuant to sections 571.101 to  
168 571.121 if the applicant is otherwise qualified to receive such driver's license or  
169 nondriver's license. **Beginning January 1, 2013, a nondriver's license**  
170 **containing a concealed carry endorsement shall expire three years from**  
171 **the date the certificate of qualification was issued pursuant to this**  
172 **section.** The requirements for the director of revenue to issue a concealed carry  
173 endorsement pursuant to this subsection shall not be effective until July 1, 2004,  
174 and the certificate of qualification issued by a county sheriff pursuant to  
175 subsection 1 of this section shall allow the person issued such certificate to carry  
176 a concealed weapon pursuant to the requirements of subsection 1 of section  
177 571.107 in lieu of the concealed carry endorsement issued by the director of  
178 revenue from October 11, 2003, until the concealed carry endorsement is issued  
179 by the director of revenue on or after July 1, 2004, unless such certificate of  
180 qualification has been suspended or revoked for cause.

181 8. The sheriff shall keep a record of all applications for a certificate of  
182 qualification for a concealed carry endorsement and his or her action  
183 thereon. The sheriff shall report the issuance of a certificate of qualification to  
184 the Missouri uniform law enforcement system. All information on any such  
185 certificate that is protected information on any driver's or nondriver's license  
186 shall have the same personal protection for purposes of sections 571.101 to  
187 571.121. An applicant's status as a holder of a certificate of qualification or a  
188 concealed carry endorsement shall not be public information and shall be  
189 considered personal protected information. Any person who violates the  
190 provisions of this subsection by disclosing protected information shall be guilty  
191 of a class A misdemeanor.

192 9. Information regarding any holder of a certificate of qualification or a

193 concealed carry endorsement is a closed record.

194           10. For processing an application for a certificate of qualification for a  
195 concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff  
196 in each county shall charge a nonrefundable fee not to exceed one hundred dollars  
197 which shall be paid to the treasury of the county to the credit of the sheriff's  
198 revolving fund.

199           11. For processing a renewal for a certificate of qualification for a  
200 concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff  
201 in each county shall charge a nonrefundable fee not to exceed fifty dollars which  
202 shall be paid to the treasury of the county to the credit of the sheriff's revolving  
203 fund.

204           12. For the purposes of sections 571.101 to 571.121, the term "sheriff"  
205 shall include the sheriff of any county or city not within a county or his or her  
206 designee and in counties of the first classification the sheriff may designate the  
207 chief of police of any city, town, or municipality within such county.

          571.107. 1. A concealed carry endorsement issued pursuant to sections  
2 571.101 to 571.121 or a concealed carry endorsement or permit issued by another  
3 state or political subdivision of another state shall authorize the person in whose  
4 name the permit or endorsement is issued to carry concealed firearms on or about  
5 his or her person or vehicle throughout the state. No driver's license or  
6 nondriver's license containing a concealed carry endorsement issued pursuant to  
7 sections 571.101 to 571.121 or a concealed carry endorsement or permit issued by  
8 another state or political subdivision of another state shall authorize any person  
9 to carry concealed firearms into:

10           (1) Any police, sheriff, or highway patrol office or station without the  
11 consent of the chief law enforcement officer in charge of that office or  
12 station. Possession of a firearm in a vehicle on the premises of the office or  
13 station shall not be a criminal offense so long as the firearm is not removed from  
14 the vehicle or brandished while the vehicle is on the premises;

15           (2) Within twenty-five feet of any polling place on any election day.  
16 Possession of a firearm in a vehicle on the premises of the polling place shall not  
17 be a criminal offense so long as the firearm is not removed from the vehicle or  
18 brandished while the vehicle is on the premises;

19           (3) The facility of any adult or juvenile detention or correctional  
20 institution, prison or jail. Possession of a firearm in a vehicle on the premises of

21 any adult, juvenile detention, or correctional institution, prison or jail shall not  
22 be a criminal offense so long as the firearm is not removed from the vehicle or  
23 brandished while the vehicle is on the premises;

24 (4) Any courthouse solely occupied by the circuit, appellate or supreme  
25 court, or any courtrooms, administrative offices, libraries or other rooms of any  
26 such court whether or not such court solely occupies the building in  
27 question. This subdivision shall also include, but not be limited to, any juvenile,  
28 family, drug, or other court offices, any room or office wherein any of the courts  
29 or offices listed in this subdivision are temporarily conducting any business  
30 within the jurisdiction of such courts or offices, and such other locations in such  
31 manner as may be specified by supreme court rule pursuant to subdivision (6) of  
32 this subsection. Nothing in this subdivision shall preclude those persons listed  
33 in subdivision (1) of subsection 2 of section 571.030 while within their jurisdiction  
34 and on duty, those persons listed in subdivisions (2), (4), and (10) of subsection  
35 2 of section 571.030, or such other persons who serve in a law enforcement  
36 capacity for a court as may be specified by supreme court rule pursuant to  
37 subdivision (6) of this subsection from carrying a concealed firearm within any  
38 of the areas described in this subdivision. Possession of a firearm in a vehicle on  
39 the premises of any of the areas listed in this subdivision shall not be a criminal  
40 offense so long as the firearm is not removed from the vehicle or brandished while  
41 the vehicle is on the premises;

42 (5) Any meeting of the governing body of a unit of local government; or  
43 any meeting of the general assembly or a committee of the general assembly,  
44 except that nothing in this subdivision shall preclude a member of the body  
45 holding a valid concealed carry endorsement from carrying a concealed firearm  
46 at a meeting of the body which he or she is a member. Possession of a firearm  
47 in a vehicle on the premises shall not be a criminal offense so long as the firearm  
48 is not removed from the vehicle or brandished while the vehicle is on the  
49 premises. **Nothing in this subdivision shall preclude a member of the**  
50 **general assembly, a full-time employee of the general assembly**  
51 **employed under section 17, article III, Constitution of Missouri,**  
52 **legislative employees of the general assembly as determined under**  
53 **section 21.155, or statewide elected officials and their employees,**  
54 **holding a valid concealed carry endorsement, from carrying a**  
55 **concealed firearm in the state capitol building or at a meeting whether**

56 **of the full body of a house of the general assembly or a committee**  
57 **thereof, that is held in the state capitol building;**

58 (6) The general assembly, supreme court, county or municipality may by  
59 rule, administrative regulation, or ordinance prohibit or limit the carrying of  
60 concealed firearms by endorsement holders in that portion of a building owned,  
61 leased or controlled by that unit of government. Any portion of a building in  
62 which the carrying of concealed firearms is prohibited or limited shall be clearly  
63 identified by signs posted at the entrance to the restricted area. The statute, rule  
64 or ordinance shall exempt any building used for public housing by private  
65 persons, highways or rest areas, firing ranges, and private dwellings owned,  
66 leased, or controlled by that unit of government from any restriction on the  
67 carrying or possession of a firearm. The statute, rule or ordinance shall not  
68 specify any criminal penalty for its violation but may specify that persons  
69 violating the statute, rule or ordinance may be denied entrance to the building,  
70 ordered to leave the building and if employees of the unit of government, be  
71 subjected to disciplinary measures for violation of the provisions of the statute,  
72 rule or ordinance. The provisions of this subdivision shall not apply to any other  
73 unit of government;

74 (7) Any establishment licensed to dispense intoxicating liquor for  
75 consumption on the premises, which portion is primarily devoted to that purpose,  
76 without the consent of the owner or manager. The provisions of this subdivision  
77 shall not apply to the licensee of said establishment. The provisions of this  
78 subdivision shall not apply to any bona fide restaurant open to the general public  
79 having dining facilities for not less than fifty persons and that receives at least  
80 fifty-one percent of its gross annual income from the dining facilities by the sale  
81 of food. This subdivision does not prohibit the possession of a firearm in a vehicle  
82 on the premises of the establishment and shall not be a criminal offense so long  
83 as the firearm is not removed from the vehicle or brandished while the vehicle is  
84 on the premises. Nothing in this subdivision authorizes any individual who has  
85 been issued a concealed carry endorsement to possess any firearm while  
86 intoxicated;

87 (8) Any area of an airport to which access is controlled by the inspection  
88 of persons and property. Possession of a firearm in a vehicle on the premises of  
89 the airport shall not be a criminal offense so long as the firearm is not removed  
90 from the vehicle or brandished while the vehicle is on the premises;

91 (9) Any place where the carrying of a firearm is prohibited by federal law;

92 (10) Any higher education institution or elementary or secondary school  
93 facility without the consent of the governing body of the higher education  
94 institution or a school official or the district school board. Possession of a firearm  
95 in a vehicle on the premises of any higher education institution or elementary or  
96 secondary school facility shall not be a criminal offense so long as the firearm is  
97 not removed from the vehicle or brandished while the vehicle is on the premises;

98 (11) Any portion of a building used as a child-care facility without the  
99 consent of the manager. Nothing in this subdivision shall prevent the operator  
100 of a child-care facility in a family home from owning or possessing a firearm or  
101 a driver's license or nondriver's license containing a concealed carry endorsement;

102 (12) Any riverboat gambling operation accessible by the public without the  
103 consent of the owner or manager pursuant to rules promulgated by the gaming  
104 commission. Possession of a firearm in a vehicle on the premises of a riverboat  
105 gambling operation shall not be a criminal offense so long as the firearm is not  
106 removed from the vehicle or brandished while the vehicle is on the premises;

107 (13) Any gated area of an amusement park. Possession of a firearm in a  
108 vehicle on the premises of the amusement park shall not be a criminal offense so  
109 long as the firearm is not removed from the vehicle or brandished while the  
110 vehicle is on the premises;

111 (14) Any church or other place of religious worship without the consent  
112 of the minister or person or persons representing the religious organization that  
113 exercises control over the place of religious worship. Possession of a firearm in  
114 a vehicle on the premises shall not be a criminal offense so long as the firearm  
115 is not removed from the vehicle or brandished while the vehicle is on the  
116 premises;

117 (15) Any private property whose owner has posted the premises as being  
118 off-limits to concealed firearms by means of one or more signs displayed in a  
119 conspicuous place of a minimum size of eleven inches by fourteen inches with the  
120 writing thereon in letters of not less than one inch. The owner, business or  
121 commercial lessee, manager of a private business enterprise, or any other  
122 organization, entity, or person may prohibit persons holding a concealed carry  
123 endorsement from carrying concealed firearms on the premises and may prohibit  
124 employees, not authorized by the employer, holding a concealed carry  
125 endorsement from carrying concealed firearms on the property of the employer.

126 If the building or the premises are open to the public, the employer of the  
127 business enterprise shall post signs on or about the premises if carrying a  
128 concealed firearm is prohibited. Possession of a firearm in a vehicle on the  
129 premises shall not be a criminal offense so long as the firearm is not removed  
130 from the vehicle or brandished while the vehicle is on the premises. An employer  
131 may prohibit employees or other persons holding a concealed carry endorsement  
132 from carrying a concealed firearm in vehicles owned by the employer;

133 (16) Any sports arena or stadium with a seating capacity of five thousand  
134 or more. Possession of a firearm in a vehicle on the premises shall not be a  
135 criminal offense so long as the firearm is not removed from the vehicle or  
136 brandished while the vehicle is on the premises;

137 (17) Any hospital accessible by the public. Possession of a firearm in a  
138 vehicle on the premises of a hospital shall not be a criminal offense so long as the  
139 firearm is not removed from the vehicle or brandished while the vehicle is on the  
140 premises.

141 2. Carrying of a concealed firearm in a location specified in subdivisions  
142 (1) to (17) of subsection 1 of this section by any individual who holds a concealed  
143 carry endorsement issued pursuant to sections 571.101 to 571.121 shall not be a  
144 criminal act but may subject the person to denial to the premises or removal from  
145 the premises. If such person refuses to leave the premises and a peace officer is  
146 summoned, such person may be issued a citation for an amount not to exceed one  
147 hundred dollars for the first offense. If a second citation for a similar violation  
148 occurs within a six-month period, such person shall be fined an amount not to  
149 exceed two hundred dollars and his or her endorsement to carry concealed  
150 firearms shall be suspended for a period of one year. If a third citation for a  
151 similar violation is issued within one year of the first citation, such person shall  
152 be fined an amount not to exceed five hundred dollars and shall have his or her  
153 concealed carry endorsement revoked and such person shall not be eligible for a  
154 concealed carry endorsement for a period of three years. Upon conviction of  
155 charges arising from a citation issued pursuant to this subsection, the court shall  
156 notify the sheriff of the county which issued the certificate of qualification for a  
157 concealed carry endorsement and the department of revenue. The sheriff shall  
158 suspend or revoke the certificate of qualification for a concealed carry  
159 endorsement and the department of revenue shall issue a notice of such  
160 suspension or revocation of the concealed carry endorsement and take action to

161 remove the concealed carry endorsement from the individual's driving  
162 record. The director of revenue shall notify the licensee that he or she must  
163 apply for a new license pursuant to chapter 302 which does not contain such  
164 endorsement. A concealed carry endorsement suspension pursuant to sections  
165 571.101 to 571.121 shall be reinstated at the time of the renewal of his or her  
166 driver's license. The notice issued by the department of revenue shall be mailed  
167 to the last known address shown on the individual's driving record. The notice  
168 is deemed received three days after mailing.

571.117. 1. Any person who has knowledge that another person, who was  
2 issued a certificate of qualification for a concealed carry endorsement pursuant  
3 to sections 571.101 to 571.121, never was or no longer is eligible for such  
4 endorsement under the criteria established in sections 571.101 to 571.121 may  
5 file a petition with the clerk of the small claims court to revoke that person's  
6 certificate of qualification for a concealed carry endorsement and such person's  
7 concealed carry endorsement. The petition shall be in a form substantially  
8 similar to the petition for revocation of concealed carry endorsement provided in  
9 this section. Appeal forms shall be provided by the clerk of the small claims court  
10 free of charge to any person:

11 SMALL CLAIMS COURT

12 In the Circuit Court of ....., Missouri

13 .....PLAINTIFF

14 )

15 )

16 vs. ) Case Number .....

17 )

18 )

19 ....., DEFENDANT,

20 Carry Endorsement Holder

21 ....., DEFENDANT,

22 Sheriff of Issuance

23 PETITION FOR REVOCATION

24 OF CERTIFICATE OF QUALIFICATION

25 OR CONCEALED CARRY ENDORSEMENT

26 Plaintiff states to the court that the defendant, ....., has a  
27 certificate of qualification or a concealed carry endorsement issued pursuant to

28 sections 571.101 to 571.121, RSMo, and that the defendant's certificate of  
29 qualification or concealed carry endorsement should now be revoked because the  
30 defendant either never was or no longer is eligible for such a certificate or  
31 endorsement pursuant to the provisions of sections 571.101 to 571.121, RSMo,  
32 specifically plaintiff states that defendant, ....., never was or no longer is  
33 eligible for such certificate or endorsement for one or more of the following  
34 reasons:

35 (CHECK BELOW EACH REASON  
36 THAT APPLIES TO THIS DEFENDANT)

- 37  Defendant is not at least [twenty-three] **eighteen** years of age.
- 38  Defendant is not a citizen of the United States.
- 39  Defendant had not resided in this state [for at least six months] prior  
40 to issuance of the permit and does not qualify as a military member or  
41 spouse of a military member stationed in Missouri.
- 42  Defendant has pled guilty to or been convicted of a crime punishable  
43 by imprisonment for a term exceeding one year under the laws of any state  
44 or of the United States other than a crime classified as a misdemeanor  
45 under the laws of any state and punishable by a term of imprisonment of  
46 one year or less that does not involve an explosive weapon, firearm,  
47 firearm silencer, or gas gun.
- 48  Defendant has been convicted of, pled guilty to or entered a plea of nolo  
49 contendere to one or more misdemeanor offenses involving crimes of  
50 violence within a five-year period immediately preceding application for  
51 a certificate of qualification or concealed carry endorsement issued  
52 pursuant to sections 571.101 to 571.121, RSMo, or if the applicant has  
53 been convicted of two or more misdemeanor offenses involving driving  
54 while under the influence of intoxicating liquor or drugs or the possession  
55 or abuse of a controlled substance within a five-year period immediately  
56 preceding application for a certificate of qualification or a concealed carry  
57 endorsement issued pursuant to sections 571.101 to 571.121, RSMo.
- 58  Defendant is a fugitive from justice or currently charged in an  
59 information or indictment with the commission of a crime punishable by  
60 imprisonment for a term exceeding one year under the laws of any state  
61 of the United States other than a crime classified as a misdemeanor under  
62 the laws of any state and punishable by a term of imprisonment of one

63 year or less that does not involve an explosive weapon, firearm, firearm  
64 silencer, or gas gun.

65  Defendant has been discharged under dishonorable conditions from the  
66 United States armed forces.

67  Defendant is reasonably believed by the sheriff to be a danger to self  
68 or others based on previous, documented pattern.

69  Defendant is adjudged mentally incompetent at the time of application  
70 or for five years prior to application, or has been committed to a mental  
71 health facility, as defined in section 632.005, RSMo, or a similar  
72 institution located in another state, except that a person whose release or  
73 discharge from a facility in this state pursuant to chapter 632, RSMo, or  
74 a similar discharge from a facility in another state, occurred more than  
75 five years ago without subsequent recommitment may apply.

76  Defendant failed to submit a completed application for a certificate of  
77 qualification or concealed carry endorsement issued pursuant to sections  
78 571.101 to 571.121, RSMo.

79  Defendant failed to submit to or failed to clear the required background  
80 check.

81  Defendant failed to submit an affidavit attesting that the applicant  
82 complies with the concealed carry safety training requirement pursuant  
83 to subsection 1 of section 571.111, RSMo.

84 The plaintiff subject to penalty for perjury states that the information contained  
85 in this petition is true and correct to the best of the plaintiff's knowledge, is  
86 reasonably based upon the petitioner's personal knowledge and is not primarily  
87 intended to harass the defendant/respondent named herein.

88 ....., PLAINTIFF

89 2. If at the hearing the plaintiff shows that the defendant was not eligible  
90 for the certificate of qualification or the concealed carry endorsement issued  
91 pursuant to sections 571.101 to 571.121, at the time of issuance or renewal or is  
92 no longer eligible for a certificate of qualification or the concealed carry  
93 endorsement issued pursuant to the provisions of sections 571.101 to 571.121, the  
94 court shall issue an appropriate order to cause the revocation of the certificate of  
95 qualification or concealed carry endorsement. Costs shall not be assessed against  
96 the sheriff.

97 3. The finder of fact, in any action brought against an endorsement holder

98 pursuant to subsection 1 of this section, shall make findings of fact and the court  
99 shall make conclusions of law addressing the issues at dispute.  
100 If it is determined that the plaintiff in such an action acted without justification  
101 or with malice or primarily with an intent to harass the endorsement holder or  
102 that there was no reasonable basis to bring the action, the court shall order the  
103 plaintiff to pay the defendant/respondent all reasonable costs incurred in  
104 defending the action including, but not limited to, attorney's fees, deposition  
105 costs, and lost wages. Once the court determines that the plaintiff is liable to the  
106 defendant/respondent for costs and fees, the extent and type of fees and costs to  
107 be awarded should be liberally calculated in defendant/respondent's  
108 favor. Notwithstanding any other provision of law, reasonable attorney's fees  
109 shall be presumed to be at least one hundred fifty dollars per hour.

110 4. Any person aggrieved by any final judgment rendered by a small claims  
111 court in a petition for revocation of a certificate of qualification or concealed carry  
112 endorsement may have a right to trial de novo as provided in sections 512.180 to  
113 512.320.

114 5. The office of the county sheriff or any employee or agent of the county  
115 sheriff shall not be liable for damages in any civil action arising from alleged  
116 wrongful or improper granting, renewing, or failure to revoke a certificate of  
117 qualification or a concealed carry endorsement issued pursuant to sections  
118 571.101 to 571.121, so long as the sheriff acted in good faith.

**Section 1. No political subdivision shall enact or enforce any  
2 order or ordinance that prohibits the use of pneumatic guns at  
3 facilities approved for shooting ranges, on other property where  
4 firearms may be discharged, or on or within private property with  
5 permission of the owner or legal possessor thereof when conducted  
6 with reasonable care to prevent a projectile from crossing the bounds  
7 of the property.**

**Section 2. The attorney general of the state of Missouri may  
2 establish a public website that publishes the names of municipalities  
3 and counties who do not allow the open carry of firearms. Such  
4 municipalities and counties, may forward their ordinances to the  
5 attorney general on their own volition.**

[407.500. Residents of the state of Missouri may purchase  
2 rifles and shotguns in a state contiguous to the state of Missouri,

3 provided that such residents conform to the applicable provisions  
4 of the Federal Gun Control Act of 1968, and regulations  
5 thereunder, as administered by the United States Secretary of the  
6 Treasury, and provided further that such residents conform to the  
7 provisions of law applicable to such purchase in the state of  
8 Missouri and in the contiguous state in which the purchase is  
9 made.]

[407.505. Residents of a state contiguous to the state of  
2 Missouri may purchase rifles and shotguns in the state of Missouri,  
3 provided that such residents conform to the applicable provisions  
4 of the Federal Gun Control Act of 1968, and regulations  
5 thereunder, as administered by the United States Secretary of the  
6 Treasury, and provided further that such residents conform to the  
7 provisions of law applicable to such purchase in the state of  
8 Missouri and in the state in which such persons reside.]

✓  
Bill

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